

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. John W. Branch on 9/19/2008
3. The application has been amended as follows:

Amendments to the Claims

4. Please cancel claims 1-11, 19-29.
5. Please amend claim 12 as follows:

Claim 12 (Currently Amended) : A system comprising:
a network element including a direct internet protocol module, changing the network element's ~~changing its~~ current protocol address to an IP address specified in a broadcast frame, wherein the change is made after receiving the broadcast frame; and
a management node residing at a same physical subnet as the network element, the management node comprising computer executable instructions that when executed perform actions including:

forcing the network element to have an unused IP address within an access range of the management node by:

- (i) identifying the unused IP address within the access range of the management node; and
- (ii) broadcasting the broadcast frame from the management node as a force request including the unused IP address to the direct internet protocol module without reconfiguring the management node, wherein the broadcast frame from the management node to the direct internet protocol module is constructed to change the IP address of the network element from [[its]] the network element's current protocol address to the unused IP address, wherein the management node and the network element are coupled together by an Ethernet connection, and wherein broadcasting the broadcast frame permits connection between the management node and the network device using TCP/IP after the exchange of three or more Ethernet frames.

Drawings

6. The drawings filed on 4/3/2001 are acknowledged.

Allowable Subject Matter

7. Claims 12-18 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Haresh N. Patel/

Primary Examiner, Art Unit 2154

9/19/2008

